

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

CIVIL ACTION NO. _____

KANWARDEV RAJA SINGH BAL,

Plaintiff,

v.

GTAT CORPORATION,

and

GT ADVANCED TECHNOLOGIES INC.,

Defendants

**NOTICE OF REMOVAL OF CIVIL ACTION
FROM STATE COURT TO THE UNITED STATES DISTRICT COURT**

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441 and 1446, defendants GTAT Corporation and GT Advanced Technologies Inc. (jointly, “Defendants”) hereby give notice of removal of Civil Action No. 226-2018-CV-0034 from the Northern District of the Hillsborough County, New Hampshire Superior Court. In support of this Notice of Removal, Defendants state as follows:

1. On or about January 24, 2018, plaintiff Kanwardev Raja Singh Bal (“Plaintiff”) commenced an action against Defendants in the Northern District of the Hillsborough County, New Hampshire Superior Court, entitled *Bal v. GTAT Corporation, et al.*, Civil Action No. 226-2018-CV-00034 (the “State Court Action”). Pursuant to 28 USC § 1446(a), a true and accurate copy of the Complaint filed in the State Court Action is attached as Exhibit A.

2. Plaintiff asserts a claim for alleged unpaid wages against Defendants.

3. 28 U.S.C. § 1441 establishes when an action is removable. 28 U.S.C. §1441(b) states that “any civil action brought in a state court of which the district court of the United

States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

4. This Court’s subject matter jurisdiction, and the basis for removal, is founded upon 28 U.S.C. § 1332.

5. 28 U.S.C. § 1332 states, in relevant part, that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different states.”

6. As alleged in the Complaint, Plaintiff is a citizen of Massachusetts. Complaint at ¶ 1. Defendants are both Delaware corporations with a principal place of business in New Hampshire. Complaint at ¶¶ 2-3.

7. On information and belief, Plaintiff seeks damages in excess of \$75,000 in this Action.

8. Therefore, because Plaintiff is a citizen of Massachusetts and, for diversity jurisdiction purposes, Defendants are citizens of Delaware and New Hampshire, and because the amount in controversy exceeds \$75,000 exclusive of interest and costs, this Court has diversity jurisdiction over all claims pursuant to 28 U.S.C. § 1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441(b).

9. Venue is proper in this district under 28 U.S.C. § 1441(a) because the state court where the State Court Action is pending is located in this district.

10. 28 U.S.C. § 1446 establishes the time frames and procedure to properly effectuate removal.

11. 28 U.S.C. § 1446(b) sets forth, in pertinent part:

The notice of removal of a civil action or proceeding shall be filed within thirty days after receipt by the defendants, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based. . . .

12. Defendants accepted service of the Complaint on February 23, 2018.

13. This Notice of Removal has been timely filed.

14. 28 U.S.C. § 1446(a) requires defendants seeking to remove a civil action to file “a copy of all process, pleadings and orders served upon such . . . defendants in such action.” The documents attached as Exhibit A include “all process, pleadings and orders served” upon Defendants in the State Court Action.

15. All adverse parties to this action have been provided with written notice of the filing of this removal, as required by 28 U.S.C. § 1446(d), as evidenced by the attached certificate of service.

16. Defendants will cause a copy of this Notice of Removal to be filed with the Northern District of the Hillsborough County, New Hampshire Superior Court, as required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal; a copy of the Notice to be sent to the state court is attached at Exhibit B.

WHEREFORE, Defendants request that the action filed in the Hillsborough County Superior Court be removed to this Court.

Respectfully submitted,

GTAT CORPORATION & GT ADVANCED
TECHNOLOGIES INC.,

By their attorney,

/s/ Jon Barooshian

Jon Barooshian (N.H. Bar No. 20256)

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March 22, 2018

CERTIFICATE OF SERVICE

I hereby certify that on this date, I have mailed a copy of this Notice of Removal to the following by first class mail:

Jason R.L. Major, Esquire
Backus, Meyer & Branch, LLP
116 Lowell Street
Manchester, NH 03104

/s/ Jon Barooshian